

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Abingdon Division

JAMES WOOD, )  
                  )  
                  )  
*Plaintiff*, )  
                  )  
                  )  
v.              ) Case No. 1:22cv18  
                  )  
                  )  
BRISTOL VIRGINIA UTILITY )  
AUTHORITY,        )  
                  )  
                  )  
*Defendant*.    )

**MOTION TO DISMISS COUNT V**  
**FOR LACK OF SUBJECT MATTER JURISDICTION**

Defendant, BVU Authority, incorrectly sued herein as Bristol Virginia Utility Authority, by counsel, submits this motion to dismiss Count V for lack of subject matter jurisdiction pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure and states that the Complaint fails to state a claim for the reasons stated in the accompanying memorandum of law.

Respectfully submitted,

BVU AUTHORITY (incorrectly sued herein as BRISTOL VIRGINIA UTILITY AUTHORITY)

/s/ Jennifer D. Royer  
Of Counsel

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CERTIFICATE

I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, I have electronically filed this document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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